



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNR MNDC OLC ERP RP PSF RR FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on October 10, 2013, by the Tenants. The Tenants filed to cancel a Notice to end tenancy for unpaid rent and to obtain a Monetary Order for: cost of emergency repairs, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement. The Tenants also filed for Orders to have the Landlord: comply with the Act, regulation or tenancy agreement; make emergency repairs for health or safety reasons; make repairs to the unit, site or property; provide services or facilities required by law; allow the Tenants reduced rent for repairs, services or facilities agreed upon but not provided; and recover the cost of the filing fee from the Landlord for this application.

The parties appeared at the teleconference hearing and gave affirmed testimony.

Issue(s) to be Decided

Does this application meet the requirements of section 59 of the Act?

Background and Evidence

At the outset of this proceeding the Landlord confirmed receipt of the Tenants' application for dispute resolution. He testified that on November 12, 2013, he was granted an Order of Possess for unpaid rent.

The Tenants confirmed that at the time they filed their application for dispute resolution they did not know the amount they would be seeking as compensation and did not provide an itemized list of items being claimed. They estimated their claim to be approximately \$10,000.00. The Tenants stated that they wrote the Landlord a letter with items they were seeking and submitted it in their 32 pages of evidence just prior to the hearing.

Analysis

Section 59(2) of the Act stipulates that an application for dispute resolution must be in the applicable form and must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

The *Residential Tenancy Branch* provides information and fact sheets detailing how a claim and evidence must be compiled and served upon each party. A Monetary Order worksheet and instructions on how to serve electronic evidence are amongst those publications.

Section 59 (5)(c) of the Act states that the director may refuse to accept an application for dispute resolution if the application does not comply with subsection (2).

In this case, the Tenants filed their application and did not submit an itemized list or a monetary order worksheet which clearly outlines the details of their monetary claim. Therefore, I find this application does not meet the requirements set out in section 59(2)(b) of the Act.

Furthermore, the Landlord was granted an Order of Possession on November 12, 2013. Therefore, this tenancy is technically over and the remaining items being claimed by the Tenants no longer apply.

Based on the foregoing, I hereby dismiss the monetary portion of the Tenants' claim with leave to reapply.

Conclusion

I HEREBY DISMISS the Tenants' monetary claim, with leave to reapply. The remaining items claimed are now moot as this tenancy was ordered to end and an Order of Possession was granted to the Landlord on November 12, 2013.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 20, 2013

Residential Tenancy Branch

